

**1 STATE LAW AND MANAGEMENT**  
**МЕМЛЕКЕТТІК ҚҰҚЫҚ ЖӘНЕ БАСҚАРУ**  
**ГОСУДАРСТВЕННОЕ ПРАВО И УПРАВЛЕНИЕ**

---

IRSTI 10.31.35  
UDC 340.114.5  
JEL K10

<https://doi.org/10.46914/2959-4197-2024-1-2-7-13>

**BAKIROV D.,<sup>\*1</sup>**

doctoral student.

\*e-mail: d.bakirov@mail.ru

ORCID ID: 0000-0003-3836-1998

**MYRZATAEV N.,<sup>2</sup>**

PhD, associate professor.

e-mail: muxametnur@mail.ru

ORCID ID: 0000-0001-5397-0332

**GORYLEV A.I.,<sup>3</sup>**

c.l.s., associate professor.

e-mail: gorylev@unn.ru

ORCID ID: 56644781200

<sup>1</sup>Turan University,

Almaty, Kazakhstan

<sup>2</sup>Al-Farabi Kazakh National University,

Almaty, Kazakhstan

<sup>3</sup>Lobachevsky National Research University,

Nizhny Novgorod, Russia

**INTERACTION OF LEGAL MENTALITY, LEGAL CONSCIOUSNESS,  
LEGAL CULTURE AND LEGAL EDUCATION**

**Abstract**

The effectiveness and stability of the legal system are closely related to the harmonious functioning of all its elements. The article is devoted to the study of legal mentality, legal culture, legal consciousness and the importance of legal education in Kazakhstan society. The low level of legal culture and legal consciousness of citizens leads to a weakening of the legal culture of society as a whole and the instability of the legal system. The article deals with the issues of legal culture, legal consciousness and legal mentality, the concept of legal education, their mutual influence, and important elements. The necessity to study the interaction of these legal phenomena contributes to raising the level of legal consciousness and legal culture in Kazakhstani society to a new level. Issues of legal consciousness, legal culture and legal mentality should be considered comprehensively, taking into account the mental characteristics of citizens in society, their common system of values. This is one of the important areas of domestic legal science. The result of the study is an analysis of the current state of the national legal system, the development of legal culture, legal consciousness and legal mentality from today's point of view, the development of directions and activities for their in-depth understanding.

**Key words:** Kazakhstan society, legal culture, legal consciousness, legal mentality, legal education.

**Introduction**

The ongoing reforms in Kazakhstan in the political, economic, social and legal spheres require strict adherence to democratic and legal principles, and further improvement of the organization of the activities by law enforcement agencies. Today, Kazakhstan's state and society are undergoing a

stage of transformation. Raising the level of legal awareness and legal culture in society is one of the main important tasks of the state and society. Only a citizen with a high sense of legal awareness and deep spiritual knowledge will have the appropriate legal knowledge with the will to fight for his rights. Accordingly, the legal system aimed at meeting the needs and interests of such citizens will be effectively and continuously improved.

Legal consciousness at all times plays an important function for any state structure and society. Looking at the level of legal consciousness, one can make an opinion about the legal situation in the state as a whole. The legal consciousness of citizens affects the effectiveness of the implementation of legal norms. At the same time, in the course of conducting an appropriate legal policy, the mental characteristics, values and worldview of citizens living in this state, of society as a whole, will also be a decisive factor. That is, the ultimate layer of the mental state of human consciousness, the mentality as a whole, largely determines how high the quality of a person's legal consciousness is.

In Kazakhstan's legal Science, the problem of legal mentality has not been studied in depth. The problem of increasing the effectiveness of ongoing state reforms and adopted laws causes the need for a broad study of the legal mentality of society and citizens. The study of the legal mentality and the development of universal strategies and methods for its formation, in our opinion, will contribute to ensuring the stable functioning of the legal system, taking into account the values and culture of multinational Kazakhstani society.

In the new history of Kazakhstan, that is, during the thirty-year period of independence, the foundation of the country's legal system was laid, the regulatory framework was formed. In particular, the structural base of legal culture and legal consciousness has been developed and fundamental theoretical legal research has been carried out. However, the qualitative development of legal consciousness, legal culture should be carried out continuously, steadily. In no case should the state let this issue go into its own stream.

In order to increase the legal culture of citizens in the context of the formation of a rule of law in a state, it is important, first of all, to analyze historical experience in the legal regulation of this issue, to study social methods, public sentiment, the legal mentality that underlies the national attitude to law and, as a result, determines legal behavior.

In domestic legal science and practice, the term and concept of legal mentality are new. The study of this phenomenon creates opportunities for a deep understanding of the features of the formation and functioning of legal culture and legal consciousness in the existing legal reality in Kazakhstan society, thereby increasing their level, developing new positions and ideas for raising the attitude of citizens to common law to a new mental level.

The study of the role, function and general significance of legal education as an important tool in improving the legal mentality is of great theoretical and practical importance. Interestingly, translating the term “qūqyqtyq tārbielēu” (upbringing) from Kazakh into English means “legal education”. From this point of view, we believe that legal education should be considered as the most important legal tool for improving the understanding and mentality of society as a whole about law.

The changes taking place in the public and legal consciousness of the country are signs of the formation of a new type of modern mentality in the Kazakh legal space. All this, of course, indicates the need for a review of legal culture and legal consciousness, its formation through the prism of the legal mentality.

## **Materials and methods**

When developing a research topic, both general and specific methods of science are used. In particular, these include the method of transition from abstract to concrete, the dialectical method of cognition of social and legal phenomena and processes, as well as formal-logical, comparative-legal, system (including the study of documents, content analysis) methods.

## **Literature review**

At all times, the problem of legal education has not lost its relevance. Scientific research related to legal education is reflected in the works of such domestic and foreign researchers as M.B. Smolensky, L.N. Pushkarev, G.K. Mukasheva, V.V. Golovchenko, A.S. Satkenov.

## Main provisions

The legal mentality reflects the attitude of a person or society to legal reality and implies the appropriate methods of perception, assessment, understanding of this legal reality and experience. The formation of personality and the legal mentality of society is influenced by various social norms in society, the principles governing the behavior of people, the content of laws. Legal culture and the level of legal consciousness, respectively, to a certain extent affect and depend on the legal mentality in society. Therefore, the formation and development of legal culture and legal consciousness is impossible without a qualitative modernization of the mentality, the level of mentality of carriers of rights.

In this regard, the systemically effective formation of legal consciousness and legal culture, taking into account the peculiarities of the legal mentality of society and people, is to raise and ensure their level. This, in turn, requires the existence of a system of measures aimed at the formation of legal awareness and legal culture in society, political and legal ideas, legal behavior, in other words, a comprehensive system of legal education, in modern terms of effective legal education. Legal education should be aimed at the formation and development of legal consciousness and legal culture of the individual, ensuring the rule of law, proper behavior corresponding to legal values.

## Results and discussion

The legal mentality reflects the stable worldview of social groups, classes, nationality, personality in relation to the functioning of the state and law, legal and political realities in the life of society. It is a system of worldviews of assessment and impact on objects of stable special historically formed state legal reality, which is most characteristic of a particular social or national-ethnic sociality. The legal mentality is a deep reflection, a lower stage of the legal reality that exists among other legal phenomena of the spiritual life of society.

The most important structure in assessing the state of law in society is the legal system of the state. Any legal act must correspond to the ideas of justice, equality, freedom that dominate the legal, that is, the mental consciousness of society. At the same time, without the development of appropriate legal views and legal affirmations, without qualitatively mastered legal knowledge, the formation of developed forms of relevant legal relations is impossible.

In turn, legal mentality legal consciousness are continuously closely related. Legal consciousness, being an important component of the general consciousness, reflects the understanding of legal phenomena and processes. Legal consciousness reflects a person's tendency to recognize and obey legal norms, to understand and evaluate the place and significance of law in society. Therefore, it is a set of views and feelings of a person about the existing law, the ability to judge them accordingly. The formation of legal consciousness in an organic connection with the principles of morality, the good consciousness of all citizens is a continuous process of raising the legal culture of society and the individual.

The formation of legal consciousness with a legal mentality begins with the assimilation of moral values, norms in the Family, School, spiritual relationships. Legal education has a special function in this process. Legal education is not limited to legal education, the formation of a positive attitude towards law, it is reflected in the legal activity of the individual, his legal culture. The legal culture of an individual is expressed in his mastery of the basics of legal knowledge, respect for the law, conscious observance of the rule of law, understanding of legal responsibility, intolerance to offenses. The awareness of citizens of their rights and freedoms, as well as their obligations to the state and society, is an important indicator of legal awareness [1, pp. 272–274].

Legal consciousness is the main initiator of the need to adopt for the common good those legal norms that correspond to the interests of a person, citizen, society, satisfy their interests. Legal culture implies knowledge, full understanding of the norms of law, serving, guided by them in their activities. Legal culture develops in conditions of close connection with and dependence on legal consciousness.

In the formation of legal consciousness, legal culture and the legal mentality as a whole, legal education is a decisive factor. It reflects the effectiveness of the activities of state bodies and public organizations in the formation of legal consciousness and legal culture. In our opinion, in increasing the level of legal awareness and legal culture, the state should pay special attention to the most legal

education. Only comprehensive and continuous activities on the part of the state and society allow us to raise and develop the degree of legal consciousness and legal culture.

Legal education is a comprehensive systematic activity aimed at the formation of legal values in society and people. Legal education is an important component of the system of General Civil Education. It is defined as the most important tool for the development of the values of society, which is carried out through the purposeful development of a person, the acquisition of knowledge. Legal education requires from the state the application of comprehensive programs and an effective system demanding the efficient implementation of the functions of society, education, parents, state bodies, etc.

The importance of legal education for the state and society has always been the focus of attention of well-known thinkers and scientists. The first ideas and research in this direction were developed by Aristotle, Plato, T. Hobbes, J. Locke, J.J. Rousseau, K. Helvetius, A. Distverg, G. Kershentsteiner, N.M. Karamzin and many others [2, pp. 16–27].

Legal education is also an important tool for improving the legal mentality, because the ultimate goal of legal education is the development of legal culture and legal consciousness of society and an individual, thereby forming their positive social attitude to law. Legal mentality determines the internal spiritual content of legal education. In other words, legal education affects the legal mentality of society and a person and qualitatively updates it, which is carried out by ensuring the formation of legal consciousness and legal culture.

Legal values are formed through the consistent implementation of an appropriate legal policy that is comprehensively covered and designed for a long period of time. It should include national measures to systematize legislation, create an accessible system for searching for legal information, and organize legal education for the population.

The concept of legal policy of the Republic of Kazakhstan for 2030 emphasizes the need to continue systematic work on legal propaganda and legal education in order to increase the legal literacy of citizens, the formation of legal socially active behavior in accordance with the fundamental values enshrined in the Constitution [3]. However, the concept does not reveal the process of formation of a comprehensive system of legal education, the subjects and mechanisms of its conduct. In this context, we believe that the concept should fully cover the activities that must be carried out by the state and society on legal education.

If we consider legal education as the most important component of general moral education, then it is logical that it is carried out from childhood, when a future person's views and positions on life, the foundations of his or her future behavior in society begin to form. Timely legal education allows us to form a citizen with a high legal culture, who respects laws and moral principles. In kindergarten, school and family, the child begins to learn morality, ethics, legal behavior, legal principles, these qualities have a huge impact on the formation of legal behavior and legal image of the future citizen.

In this regard, in the program of education and training in kindergarten, moral and legal education requires special attention. The purpose of this upbringing is the child's understanding and assimilation of the basis of moral and legal qualities, his initial legal ideas and principles, the formation of behavioral principles, legal education of parents.

Taking into account the age and mental characteristics of children, a system of modern means and methods of legal education should be developed that will allow them to realize themselves in society. For example, in kindergarten, clear and easily digestible curricula for children should be introduced that teach the right as a value and provide primary legal education. Most importantly, legal education should always be based on ethical and moral standards and principles. The content of legal education is the assimilation of legal norms, legal values and principles.

At the same time, it is important to ensure the connection and continuity of the legal knowledge formation and legal education (upbringing) in Pre-school, Secondary education and Higher educational institutions. In the formation of a system of legal education, the volume, content and practical orientation of legal knowledge in educational institutions as a whole should be logically combined and be more understandable to the child and youth. However, the analysis of the current legislation and programs shows the lack of a single system of academic legal education and moral legal education (upbringing). In this regard, the state should pay special attention to this issue.

The main task of moral legal education is to convey personal values and ideas to a person's mind, to turn them into the norm of his/her daily behavior. In most cases, low self-awareness, misunderstanding of what material and spiritual goods are, cause antisocial misdeeds. For this reason, the basis of legal

education is rooted in the family. Numerous studies show that the social status of the family, the psychological state in it, becomes the reason for the child's psyche, rejection of the norms of ethics, morality and law, and non-compliance with discipline [4].

Legal education is based on the conscious perception by people of legal knowledge, views, and ideas. They will be aimed at preventing the collapse of individual legal consciousness and eliminating the causes and conditions that cause it. They should be applied in parallel with the system of socio-economic, socio-political, legal, organizational and other measures carried out by the state and society in order to increase the level of legal awareness [5, p. 26].

With the beginning of the school stage of legal education, the deepening and systematization of understanding of the rules of human behavior in society requires the improvement of elementary legal knowledge and skills. It should be based on various forms of moral and legal education appropriate for Primary School, taking into account the age characteristics of schoolchildren, the peculiarities of legal regulation of public relations, rights and obligations, and the logic of understanding the responsibility of the individual.

Training in general secondary and high school education are characterized by a qualitatively new level, they possess systematic features of mastering legal knowledge, understanding the rules of human behavior in society, and the role of legal literacy. This is ensured primarily by studying the optional course "Fundamentals of law". The course covers the Constitution of the Republic of Kazakhstan, constitutional rights and obligations of citizens, legal responsibility, the system of state authorities, law and order and other topics that contribute to the formation of moral and legal qualities.

The purpose of moral legal education and academic legal education at the University in the postschool period is to equip students with the legal knowledge and skills necessary for subsequent work. It should be noted that the legal status of young people in this age group is subject to significant changes under the law. From the age of 18, young people have the right to vote and be elected, to completely independently manage their property, to enter into a marriage relationship and engage in any labor activity and bear appropriate material responsibility. Legal education is achieved through logical and conceptual means of influencing the legal consciousness of students, through the acquisition of a more specific, experientially important manual of legal norms governing branches and institutions of law, customary, widespread relations.

According to some authors, in higher educational institutions, for a deeper study and clarification of legal material, the following special courses should be provided: "Legal problems of Specialization, its actual problems", "Legal support of the scientific and technical process", etc. [6]. Lectures, practical classes should be carried out in the form of "Business games" using computers and video equipment, in various forms of individual work with students.

## Conclusion

From our perspective, the concept of legal policy should be reflected in the moral legal education of young people and their academic legal education. Thus, this factor establishes that legal education is the most important form of formation and improvement of the legal mentality. At the same time, as one of the main directions of the state youth policy, we consider it important to provide them with quality legal education and comprehensive mechanisms for stimulating interest in compliance with legal requirements.

In the process of legal education, one should not ignore such important aspects as the development of general legal knowledge and skills, the development of legal tools related to professional activity. As a person grows up, his education and socialization, the content becomes more and more complete, being filled with the ability to justify any legal situation individually, remains the main and ideological source of special legal tools related to professional activity.

In the process of legal education, it is important not to neglect such important aspects as the development of general legal knowledge and skills, and the development of legal tools related to professional activities. As a person grows up, his or her knowledge and socialization, the content of which is becoming more and more complete and filled with the ability to independently justify any legal situation, remain the main and ideological origin of special legal tools associated with professional activity.

In conclusion, the importance of legal education in the formation of legal consciousness and legal culture in society and citizens is great. Legal education, in turn, is aimed at the formation of



the legal mentality of carriers of rights, influencing their level of mentality. For this reason, it is necessary to conduct a deep scientific research of the necessity and importance of legal education mechanisms in the formation of a legal mentality, which cannot be carried out without comprehensive improvement of the theoretical base and methodological equipment for teaching legal disciplines in Primary, Secondary education, Special and Higher educational institutions.

The purpose of educating legal culture in citizens should be determined primarily at the social level. Through the introduction of a culture of interpersonal communication in kindergarten and school, legal behavior is formed, which is able to voluntarily fulfill and defend the humane principles of interaction in life. As a result, socialization of a person with a high moral and legal culture is achieved. At the same time, legal education undoubtedly has an important function as a particularly important social legal tool in the formation of legal consciousness and culture, the legal mentality as a whole. Accordingly, at present, there is an increasing need for a wider and more comprehensive use of the potential of legal education in the fact that legal values are the true value for people.

## REFERENCES

- 1 Dzhanibekova N.A., Zaripov Sh.A. Place of the right attitude to the formation of the right of young people // Youth school. 2013. No. 7(54). P. 272–274.
- 2 Aleksandrov V.B. Public Relations: Dialogue Culture // Culture And Relations: Scientific Laborists. Tver: TGU, 1992, pp. 17–26.
- 3 Concept of Legal Policy of the Republic of Kazakhstan for the Period up to 2030. URL: <http://adilet.zan.kz>.
- 4 Mukasheva G.K. Legal Education – the Basis of the Rule of Law. In the Constitution of the Country – the Republic of Kazakhstan // ([articlekz.com](http://articlekz.com)).
- 5 Golovchenko V.V. Effectiveness of the Right Attitude. Kiev, 1985. P. 26.
- 6 Stakanov A.S. Aspects of the Right Education Among Young People of the Republic of Kazakhstan. URL: <https://infourok.ru>

**БАКИРОВ Д.,\*<sup>1</sup>**

докторант.

\*e-mail: [d.bakirov@mail.ru](mailto:d.bakirov@mail.ru),

ORCID ID: 0000-0003-3836-1998

**МЫРЗАТАЕВ Н.,<sup>2</sup>**

PhD, қауымдастырылған профессор.

e-mail: [muxametnur@mail.ru](mailto:muxametnur@mail.ru)

ORCID ID: 0000-0001-5397-0332

**ГОРЫЛЕВ А.И.,<sup>3</sup>**

з.ғ.к., доцент.

e-mail: [gorylev@unn.ru](mailto:gorylev@unn.ru)

ORCID ID: 56644781200

<sup>1</sup>«Тұран» университеті,

Алматы қ., Қазақстан

<sup>2</sup>әл-Фараби атындағы Қазақ

ұлттық университеті,

Алматы қ., Қазақстан

<sup>3</sup>Лобачевский атындағы ННМУ,

Нижний Новгород қ., Ресей

## ҚҰҚЫҚТЫҚ МЕНТАЛИТЕТ, ҚҰҚЫҚТЫҚ САНА, ҚҰҚЫҚТЫҚ МӘДЕНИЕТ ЖӘНЕ ҚҰҚЫҚТЫҚ ТӘРБИЕЛЕУДІҢ ӨЗАРА ӘСЕРЛЕСУІ

### Андатпа

Құқықтық жүйенің тиімділігі мен тұрақтылығы оның барлық элементтерінің үйлесімді қызмет етуімен тығыз байланысты. Мақала қазақстандық қоғамдағы құқықтық менталитет, құқықтық мәдениет, құқықтық

сана және құқықтық тәрбиелеудің маңыздылығы мәселелерін зерттеуге арналған. Азаматтардың құқықтық мәдениеті, құқықтық санасының төмендігі тұтастай қоғамның құқықтық мәдениетінің әлсіреуі мен құқықтық жүйенің тұрақсыздығына әкеп соғады. Мақалада құқықтық мәдениет, құқықтық сана және құқықтық менталитет, құқықтық тәрбиелеу ұғымдары, өзара әсері, маңызды элементтері, өзара әсері зерттелді. Осы құқықтық құбылыстардың өзара әсерін зерттеудің қажеттілігі қазақстандық қоғамда құқықтық сана және құқықтық мәдениет деңгейін жаңа деңгейге көтеруге өз септігін тигізеді. Құқықтық сана, құқықтық мәдениет және құқықтық менталитет мәселелері қоғамдағы азаматтардың менталдық ерекшеліктерін, олардың ортақ қалыптасқан құндылықтар жүйесін ескере отырып, кешенді түрде қарастырылуы қажет. Бұл ұлттық құқықтық ғылымның маңызды бағыттарының бірі болып табылады. Зерттеу нәтижесі ұлттық құқықтық жүйесінің қазіргі жағдайын талдау, құқықтық мәдениет, құқықтық сана және құқықтық менталитеттің бүгінгі тұрғыдан дамыту, терең түсіну бағыттары мен шараларын әзірлеу болып табылады.

**Тірек сөздер:** қазақстандық қоғам, құқықтық мәдениет, құқықтық сана, құқықтық менталитет, құқықтық тәрбиелеу.

**БАКИРОВ Д.,\*<sup>1</sup>**

докторант.

\*e-mail: d.bakirov@mail.ru,

ORCID ID: 0000-0003-3836-1998

**МЫРЗАТАЕВ Н.,<sup>2</sup>**

PhD, ассоциированный профессор.

e-mail: muxametnur@mail.ru

ORCID ID: 0000-0001-5397-0332

**ГОРЫЛЕВ А.И.,<sup>3</sup>**

к.ю.н., доцент.

e-mail: gorylev@unn.ru

ORCID ID: 56644781200

<sup>1</sup>Университет «Туран»,

г. Алматы, Казахстан

<sup>2</sup>Казахский национальный

университет им. аль-Фараби,

г. Алматы, Казахстан

<sup>3</sup>ННГУ им. Лобачевского,

г. Нижний Новгород, Россия

## **ВЗАИМОДЕЙСТВИЕ ПРАВОВОГО МЕНТАЛИТЕТА, ПРАВОСОЗНАНИЯ, ПРАВОВОЙ КУЛЬТУРЫ И ПРАВОВОГО ВОСПИТАНИЯ**

### **Аннотация**

Эффективность и стабильность правовой системы тесно связаны со слаженным функционированием всех ее элементов. Статья посвящена изучению правового менталитета, правовой культуры, правосознания и значения правового воспитания в казахстанском обществе. Низкий уровень правовой культуры и правосознания граждан приводит к ослаблению правовой культуры общества в целом и нестабильности правовой системы. В статье рассмотрены вопросы правовой культуры, правосознания и правового менталитета, понятие правового воспитания, их взаимовлияние, важные элементы. Необходимость изучения взаимодействия этих правовых явлений способствует поднятию уровня правосознания и правовой культуры в казахстанском обществе на новый уровень. Вопросы правосознания, правовой культуры и правового менталитета следует рассматривать комплексно, с учетом ментальных особенностей граждан в обществе, их общей системы ценностей. Это одно из важных направлений отечественной юридической науки. Результатом исследования является анализ современного состояния национальной правовой системы, развития правовой культуры, правосознания и правового менталитета с сегодняшней точки зрения, разработка направлений и мероприятий по их углубленному осмыслению.

**Ключевые слова:** казахстанское общество, правовая культура, правосознание, правовой менталитет, правовое воспитание.